

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

TREVA THOMPSON, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	CIVIL ACTION NO.
	)	2:16-cv-783-ECM-SMD
	)	
JOHN H. MERRILL, in his official	)	
capacity as Secretary of State, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**PLAINTIFF GBM’S REPLY IN SUPPORT OF THEIR PARTIAL MOTION FOR
SUMMARY JUDGMENT**

This Court has received ample briefing, including two cross-motions for summary judgment, on Plaintiff GBM’s straightforward claim seeking compliance with the National Voter Registration Act’s (“NVRA”) mandate that states specify the eligibility requirements for voting that they impose on their citizens. Moreover, a close comparison of Defendant’s most recent motion for summary judgment on this claim, Doc. 261 at 111-36, and Defendant’s opposition to Plaintiff’s most recent motion for summary judgment on this claim, Doc. 265, reveals nearly identical text and arguments. Therefore, Plaintiff GBM has largely responded to the Defendant’s arguments in its own opposition, Doc. 268 at 72-78, and, to avoid repetition, Plaintiff GBM incorporates those arguments herein.

First, Plaintiff GBM merely reiterates that the statutory text of the NVRA requires that registration forms specify eligibility requirements. This mandate is broad and uniform. It admits of no exceptions merely because eligibility requirements are a “mouthful,” or because the requirement at issue “applies to a small percentage of the population.” Doc. 265 at 9, 24. Defendant’s contentions to the contrary are absurd. Moreover, Defendant’s suggestion that a “one-

page (front and back) [registration] form,” *id.* 19, 24, 30, is essential is easily disproven by the Secretary’s own actions. Indeed, the Court need look no further than the Secretary’s own proposed voter registration form to implement Alabama’s documentary proof of citizenship law—which it has not yet attempted to enforce—to see that the Secretary is willing to dedicate a full page of instructions (and several additional pages of forms) to a single eligibility requirement when it suits him:



State of Alabama Voter Registration Application
Instructions Regarding Proof of Citizenship for the Purpose of Registering to Vote

You must provide satisfactory evidence of U.S. citizenship when registering to vote in the State of Alabama.

You do not need proof of citizenship if you are registered to vote and you are using this form to update your registration record.

- 1) Proof of U.S. citizenship is established by providing an original or legible photocopy or a copy in digital or other electronic format of ONE of the following documents:
 - Driver’s license or nondriver’s ID card issued by division of motor vehicles or equivalent governmental agency of any state within the U.S. provided that the governmental agency of another state within the U.S. requires proof of lawful presence (i.e., U.S. citizenship) as a condition of issuance of the driver’s license or nondriver’s ID card and that the driver’s license or nondriver’s ID card contains appropriate indicia showing proof of U.S. citizenship. *Alabama driver’s license or nondriver’s ID card must be a “Star” license or ID.*
 - Birth certificate indicating birth in the U.S. or one of its territories.
 - Pertinent pages of a valid or expired U.S. passport identifying applicant and applicant’s passport number, or presentation of U.S. passport to Board of Registrars.
 - U.S. naturalization documents or the number of certificate of naturalization. If only number of certificate of naturalization is provided, applicant shall not be registered until number of certificate of naturalization is verified with U.S. Bureau of Citizenship and Immigration Services by Board of Registrars pursuant to 8 U.S.C. §1373(c).
 - Other documents or methods of proof of U.S. citizenship issued by federal government pursuant to Immigration and Nationality Act of 1952 and amendments thereto.
 - Bureau of Indian Affairs card number, tribal treaty card number, or tribal enrollment number.
 - Consular report of birth abroad of U.S. citizen.
 - Certificate of citizenship issued by U.S. Citizenship and Immigration Services.
 - Birth certificate issued by U.S. State Department.
 - American Indian card with KIC classification issued by U.S. Dept. of Homeland Security.
 - Final adoption decree showing applicant’s name and U.S. birthplace.
 - Official U.S. military record of service showing applicant’s place of birth in the U.S.
 - Extract from U.S. hospital birth record created at time of birth showing applicant’s U.S. place of birth.
 - Federal confirmation of U.S. citizenship under 8 U.S.C. §1373.
- 2) If you were born in Alabama and do not have one of the documents listed in section 1, the Alabama Department of Public Health will send a birth certificate to your county Board of Registrars at no cost to you. Please fill out the attached Form HS-89, “Affidavit and Application for a Certification of an Alabama Birth Record for Alabama Voter Registration Use,” and submit it to your county Board of Registrars.
- 3) If you believe you have proof of U.S. citizenship that is not listed in section 1, you may apply to your county Board of Registrars for a hearing to determine your U.S. citizenship for voting purposes. Please fill out the attached Form C-4 and submit it to your county Board of Registrars.

See Ex. 1 (Proposed Rule 820-2-2-.25 Mail-In Voter Registration Form); *see also* Ex. 2 (Proposed Rule 820-2-2-.24 Agency Based Voter Registration Form).

Second, in his opposition, Defendant Merrill suggests that Plaintiff GBM misrepresented the legislative history of the NVRA in suggesting that “Congress . . . sought to avoid potential voters having to disclose [their felony convictions] to determine eligibility[.]” Doc. 265 at 12-3, n.7. To this, Plaintiff GBM puts forward the text of the legislative report: “Since some of the reasons for declining to register to vote may involve matters of personal privacy, such as ineligibility under State law due to mental incompetence or a criminal conviction, an individual who declines to register to vote shall not be questioned as to the reasons for such action.” H.R. Rep. No. 103-9, at 8 (1993); *see also* S. Rep. No. 103-6, at 24 (1993) (“The bill provides that all registration requirements should be set forth in the application to register to vote so that they will be readily available for each applicant to review during the application process.”). That felony convictions are matters of public record does not mean that individuals should be required to disclose them to strangers at every turn.

But this Court need not address the plain legislative history because Congress’s intent is reflected in the plain language of the statute. This claim presents a straightforward reading of statutory text to which Defendant Merrill provides no straightforward response. This Court should grant Plaintiff’s motion for summary judgment on its NVRA claim.

Dated: October 13, 2020

Respectfully Submitted,

/s/ Danielle Lang

Danielle Lang (CA Bar: 304450)

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Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that, on October 13, 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record as listed below.

/s/ Danielle Lang
Danielle Lang
Counsel for Plaintiffs

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Counsel for Defendants

EXHIBIT 1

APA-1
Revised 4/2018

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control _____ Department or Agency _____ Secretary of State _____
Rule No. 820-2-2-.25
Rule Title: Mail-in Voter Registration Form
New X Amend _____ Repeal _____ Adopt by _____
Reference _____

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? No

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? No

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? No

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? Yes

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer J. M. Merrill REC'D & FILED

Date March 18, 2019 2019 MAR 21 PM 12:56

LEGISLATIVE SVC AGENCY
(DATE FILED)

(STAMP)

APA-2

(Agency Name)
(Agency Division, if applicable)

NOTICE OF INTENDED ACTION

AGENCY NAME:

Alabama Secretary of State

RULE NO. & TITLE:

820-2-2-.25 Mail-in Voter Registration Form

INTENDED ACTION:

Amend Rule

SUBSTANCE OF PROPOSED ACTION:

Added a link to the Voter Registration Form for people to find additional information on Moral Turpitude felonies.

TIME, PLACE, MANNER OF PRESENTING VIEWS:

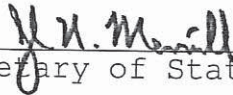
Views may be presented orally or in writing and should be addressed to Hugh Evans, Office of the Secretary of State, P.O. Box 5616, Montgomery, AL 36130; (334) 242-4298.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

May 3, 2019

CONTACT PERSON AT AGENCY:

Hugh Evans, Office of the Secretary of State, State Capitol Suite E-201, 600 Dexter Avenue, Montgomery, AL 36130; (334) 242-4298.



Secretary of State

820-2-2-.25

Mail-In Voter Registration Form.

State of Alabama Voter Registration Application
Instructions Regarding Proof of Citizenship for the Purpose of Registering to Vote

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 - Birth certificate indicating birth in the U.S. or one of its territories.
 - Pertinent pages of a valid or expired U.S. passport identifying applicant and applicant's passport number, or presentation of U.S. passport to Board of Registrars.
 - U.S. naturalization documents or the number of certificate of naturalization. If only number of certificate of naturalization is provided, applicant shall not be registered until number of certificate of naturalization is verified with U.S. Bureau of Citizenship and Immigration Services by Board of Registrars pursuant to 8 U.S.C. §1373(c).
 - Other documents or methods of proof of U.S. citizenship issued by federal government pursuant to Immigration and Nationality Act of 1952 and amendments thereto.
 - Bureau of Indian Affairs card number, tribal treaty card number, or tribal enrollment number.
 - Consular report of birth abroad of U.S. citizen.
 - Certificate of citizenship issued by U.S. Citizenship and Immigration Services.
 - Birth certificate issued by U.S. State Department.
 - American Indian card with KIC classification issued by U.S. Dept. of Homeland Security.
 - Final adoption decree showing applicant's name and U.S. birthplace.
 - Official U.S. military record of service showing applicant's place of birth in the U.S.
 - Extract from U.S. hospital birth record created at time of birth showing applicant's U.S. place of birth.
 - Federal confirmation of U.S. citizenship under 8 U.S.C. §1373.
- 2) If you were born in Alabama and do not have one of the documents listed in section 1, the Alabama Department of Public Health will send a birth certificate to your county Board of Registrars at no cost to you. Please fill out the attached Form HS-89, "Affidavit and Application for a Certification of an Alabama Birth Record for Alabama Voter Registration Use," and submit it to your county Board of Registrars.
- 3) If you believe you have proof of U.S. citizenship that is not listed in section 1, you may apply to your county Board of Registrars for a hearing to determine your U.S. citizenship for voting purposes. Please fill out the attached Form C-4 and submit it to your county Board of Registrars.

State of Alabama Mail-In Voter Registration Form

NVRA-2
22-10-12-07

FOR USE BY U.S. CITIZENS ONLY ♦ FILL IN ALL BOXES ON THIS FORM ♦ PLEASE USE INK ♦ PRINT LEGIBLY

You can use this form to:

- ▶ Register to vote in Alabama.
- ▶ Update your voter registration record, if you have changed your name or address.

Deadline for submitting application:

Voter registration and updating of voter records is closed during the 14 days prior to each election in Alabama.

To register to vote in the State of Alabama, you must:

- ▶ Be a citizen of the United States.
- ▶ Live in Alabama.
- ▶ Be at least 18 years of age on or before election day.
- ▶ Not have been convicted of a disqualifying felony, or if you have been convicted, you must have had your civil rights restored.
- ▶ Not have been declared "mentally incompetent" by a court.

ID requested: You may send with this application a copy of valid photo identification. You will be required to present valid photo identification when you vote at your polling place or by absentee ballot, unless exempted by law. For more information, go to www.AlabamaVoterID.com or call the Elections Division: 800-274-8683.

1 Are you a citizen of the United States of America? ☐ Yes ☐ No		ATTENTION! If you answer "No" to either of these questions, do not complete this application.
2 Will you be 18 years of age on or before election day? ☐ Yes ☐ No		
3 Print Your Name:		
First	Middle	Last
4 Print Maiden Name / Former Name (if reporting a change of name):		
First	Middle	Last
5 Date of Birth (mm/dd/yyyy) 6 Primary Telephone 7 Email Address		
8 Addresses		
Current	Address where you live: (Do not use post office box)	
	Address where you receive your mail:	
Old	Address where you were last registered to vote: (Do not use post office box)	
	Former Address	

9 Sex (check one)		11 Place of Birth	
☐ Female ☐ Male		City _____ State _____ Country _____	
10 Race (check one)		12 Map / Diagram	
☐ White ☐ Black ☐ Asian ☐ American Indian ☐ Hispanic ☐ Other		If your home has no street number or name, please draw a map of where your house is located. Please include roads and landmarks.	
REGISTRARS USE ONLY		13 Did you receive assistance?	
DATE ☐ APPROVED ☐ DENIED _____ County Pct _____ City Pct _____ Board member _____ Board member _____ Board member _____		If you are unable to sign your name, who helped you fill out this application? Give name, address, and phone number (phone number is optional).	
Voter Declaration - Read and Sign Under Penalty of Perjury			
I am a U.S. citizen I live in the State of Alabama I will be at least 18 years of age on or before election day I am not barred from voting by reason of a disqualifying felony conviction. (The list of disqualifying felonies is available on the Secretary of State's website at: sos.alabama.gov/infelonyes) I have not been judged "mentally incompetent" by a court of law			
I solemnly swear or affirm to support and defend the constitution of the United States and the State of Alabama and further disavow any belief or affiliation with any group which advocates the overthrow of the governments of the United States or the State of Alabama by unlawful means and that the information contained herein is true, so help me God.			
YOUR SIGNATURE		DATE	
If you falsely sign this statement, you can be convicted and imprisoned for up to five years.			

The decision to register to vote is yours. If you decide to register to vote, the office at which you are submitting this application will remain confidential and will be used only for voter registration purposes. If you decline to register to vote, your decision will remain confidential and will be used only for voter registration purposes.



John H. Merrill - Secretary of State

Questions? Call the Elections Division at 1-800-274-8683 or 334-242-7210

To mail, put the address of your county Board of Registrars on the lines below.

[THIS SPACE FOR CURRENT ADDRESSES AND PHONE NUMBERS OF BOARDS OF REGISTRARS OFFICES]

YOUR ADDRESS:

PUT
FIRST
CLASS
STAMP
HERE

MAIL TO:

BOARD OF REGISTRARS

AFFIDAVIT AND APPLICATION FOR A CERTIFICATION OF AN ALABAMA BIRTH RECORD
FOR ALABAMA VOTER REGISTRATION USE

In compliance with Section 31-13-28 of the Alabama Code (Beason-Hammon Alabama Taxpayer and Citizen Protection Act), I swear under oath that I am over the age of 16 at least 18 years of age or, if not, will be 18 on or before the next election, and I plan to register to vote in the State of Alabama and that I do NOT possess any of the following documents that constitute evidence of U.S. citizenship:

1. Driver's license or nondriver's ID card issued by division or motor vehicles or equivalent governmental agency of any state within the U.S. provided that the governmental agency of another state within the U.S. requires proof of lawful presence in the U.S. (i.e., U.S. citizenship) as a condition of issuance of the driver's license or nondriver's ID card. **Alabama driver's license or nondriver's ID must be a "Star" license or ID.**
2. Birth certificate indicating birth in the U.S. or one of its territories.
3. Pertinent pages of a valid or expired U.S. passport, or original passport.
4. U.S. naturalization documents or the number of the certificate of naturalization.
5. Other documents issued by the Federal Government proving U.S. citizenship, pursuant to the immigration and Nationality Act of 1952.
6. Bureau of Indian Affairs card number, tribal treaty card number, or tribal enrollment number.
7. Consular report of birth abroad of U.S. citizen.
8. Certificate of citizenship issued by the U.S. Citizenship and Immigration Services.
9. Certification of report of birth issued by the U.S. State Department.
10. American Indian card, with KIC classification, issued by the U.S. Department of Homeland Security.
11. Final adoption decree showing name and U.S. birthplace.
12. Official U.S. military record of service showing place of birth in the U.S.
13. Extract from a U.S. hospital record of birth created at the time of birth indicating place of birth in the U.S.
14. Copy of declaratory judgment by a U.S. court confirming citizenship under 8 U.S.C. §1373.

Printed Name of Applicant

Notary Seal or Stamp

Signature of Applicant

Signature of Notary

Sworn to and subscribed before me on

Date _____

Information to Locate Birth Record: PLEASE CLEARLY PRINT ALL INFORMATION. FAILURE TO PROVIDE ACCURATE INFORMATION COULD DELAY THE PROCESSING OF THIS REQUEST

Full Name as Listed on Birth Record:

	First	Middle	Last
1. Name			
2. Address			
3. City			
4. State			
5. Zip			
6. Phone			
7. E-mail			
8. Date			

Date of Birth: _____ County of Birth: _____

Mother's Full MAIDEN Name:

	First	Middle	Last
1. Name			
2. Address			
3. City			
4. State			
5. Zip			
6. Phone			
7. Email			
8. Date			

Father's Full Name: _____

First	Middle	Last
-------	--------	------

Voter Registration Office Information:

County of Voter Registration Office: _____

Mailing Address: _____

City: _____ State: Alabama Zip: _____ E-mail Address: _____

Signature of Voter Registration Official

Date of Request

Phone number with area code: () - Fax number with area code: ()

ADPH-HS-89.1.20.2012

APPLICATION TO THE COUNTY BOARD OF REGISTRARS FOR HEARING TO DETERMINE
APPLICANT'S CITIZENSHIP FOR VOTING PURPOSES (Form C-4)

Complete and submit only if applicant has not submitted satisfactory documentary proof of citizenship.

I, _____, hereby request a hearing with the county Board of Registrars. In support thereof, I affirm as follows:

I am a United States citizen but do not possess or have access to any of the following documents showing United States Citizenship:

- (1) A driver's license or nondriver's identification card issued by the division of motor vehicles or the equivalent governmental agency of any state within the United States provided that the governmental agency of another state within the U.S. requires proof of lawful presence (i.e., U.S. citizenship) in the U.S. as a condition of issuance of the driver's license or nondriver's identification card. **Alabama driver's license or nondriver's ID card must be a "Star" license or ID.**
- (2) A birth certificate indicating birth in the U.S. or one of its territories.
- (3) Pertinent pages of a valid or expired passport identifying me and my passport number, or presentation of my U.S. passport.
- (4) United States naturalization documents or the number of the certificate of naturalization.
- (5) Other documents or methods of proof of United States citizenship issued by the federal government pursuant to the Immigration and Nationality Act of 1952, and amendments thereto.
- (6) A Bureau of Indian Affairs card number, tribal treaty card number, or tribal enrollment number.
- (7) A consular report of birth abroad of a citizen of the United States of America.
- (8) A certificate of citizenship issued by the United States Citizenship and Immigration Services.
- (9) A certification of report of birth issued by the United States Department of State.
- (10) An American Indian card, with KIC classification, issued by the United States Department of Homeland Security.
- (11) A final adoption decree showing my name and United States birthplace.
- (12) An official United States military record of service showing my place of birth in the United States.
- (13) An extract from a United States hospital record of birth created at the time of my birth indicating my place of birth in the United States.
- (14) Federal confirmation of U.S. citizenship under 8 U.S.C. § 1373.

I believe that I am a United States citizen based upon the following information:

(Provide the details as to why or how you became a citizen of the United States.)

I submit herewith the following documentation that proves that I am a United States citizen:

(Attach copies of any documentation that you believe demonstrates citizenship, such as newspaper birth announcements, family Bible entries, certificate of foreign birth if it reflects U.S. citizenship, affidavits signed by three U.S. citizens who know you are a U.S. citizen and have known you for 10 years or more, etc.)

NOTICE OF RIGHT TO HEARING BEFORE THE COUNTY BOARD OF REGISTRARS

I understand that I am entitled to a hearing before the Board of Registrars and an opportunity to testify and to present witnesses and additional evidence of citizenship if the Board does not determine that I have provided satisfactory evidence of citizenship based upon the information that I have supplied above. I understand that I have the right to have counsel, provided at my own expense, present at said hearing. I understand that notice of the hearing will be mailed to the address that I have provided at least five days prior to the hearing date.

Signature of applicant

Mail completed form and attached documents to your local Board of Registrars.

Authors: Jean Brown, Edward Packard, William Sutton, David Brewer, and Brent Beal.

Statutory Authority: Code of Ala. 1975, §§ 31-13-28 (2012), 17-3-1 (2006).

History: New Rule: Filed September 31, 2016; effective March 7, 2013.

Repealed and New Rule: Filed April 13, 2015; effective May 15, 2015.

Ed. Note: Rule .24 was renumbered .25 as per certification filed March 4, 2016; effective April 18, 2016.

EXHIBIT 2

APA-1
Revised 4/2018

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control _____ Department or Agency _____ Secretary of State _____
Rule No. 820-2-2-.24
Rule Title: Agency-Based Voter Registration Form
New ☒ Amend _____ Repeal _____ Adopt by _____
Reference _____

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? No

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? No

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? No

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? Yes

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer J. H. Merrill REC'D & FILED

Date March 18, 2019 2019 MAR 21 PM 12:56

LEGISLATIVE SVC AGENCY
(DATE FILED)

(STAMP)

APA-2

(Agency Name)
(Agency Division, if applicable)

NOTICE OF INTENDED ACTION

AGENCY NAME:

Alabama Secretary of State

RULE NO. & TITLE:

820-2-2-.24 Agency Based Voter Registration Form

INTENDED ACTION:

Amend Rule

SUBSTANCE OF PROPOSED ACTION:

Added a link to the Voter Registration Form for people to find additional information on Moral Turpitude felonies.

TIME, PLACE, MANNER OF PRESENTING VIEWS:

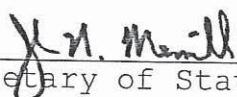
Views may be presented orally or in writing and should be addressed to Hugh Evans, Office of the Secretary of State, P.O. Box 5616, Montgomery, AL 36130; (334) 242-4298.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

May 3, 2019

CONTACT PERSON AT AGENCY:

Hugh Evans, Office of the Secretary of State, State Capitol Suite E-201, 600 Dexter Avenue, Montgomery, AL 36130; (334) 242-4298.


Secretary of State

820-2-2-.24

Agency-Based Voter Registration Form.

(a) Pursuant to 52 U.S.C. 20504, the following form shall be used in all offices in the State that issue driver's licenses and nondriver's identification cards and all state-designated voter registration agencies designated in Rule 820-2-2-.03.

**State of Alabama Voter Registration Application****Instructions Regarding Proof of Citizenship for the Purpose of Registering to Vote**

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You do not need proof of citizenship if you are registered to vote and you are using this form to update your registration record.

- 1) Proof of U.S. citizenship is established by providing an original or legible photocopy or a copy in digital or other electronic format of ONE of the following documents:
 - Driver's license or nondriver's ID card issued by division of motor vehicles or equivalent governmental agency of any state within the U.S. provided that the governmental agency of another state within the U.S. requires proof of lawful presence (i.e., U.S. citizenship) as a condition of issuance of the driver's license or nondriver's ID card and that the driver's license or nondriver's ID card contains appropriate indicia showing proof of U.S. citizenship. Alabama driver's license or nondriver's ID card must be a "Star" license or ID.
 - Birth certificate indicating birth in the U.S. or one of its territories.
 - Pertinent pages of a valid or expired U.S. passport identifying applicant and applicant's passport number, or presentation of U.S. passport to Board of Registrars.
 - U.S. naturalization documents or the number of certificate of naturalization. If only number of certificate of naturalization is provided, applicant shall not be registered until number of certificate of naturalization is verified with U.S. Bureau of Citizenship and Immigration Services by Board of Registrars pursuant to 8 U.S.C. §1373(c).
 - Other documents or methods of proof of U.S. citizenship issued by federal government pursuant to Immigration and Nationality Act of 1952 and amendments thereto.
 - Bureau of Indian Affairs card number, tribal treaty card number, or tribal enrollment number.
 - Consular report of birth abroad of U.S. citizen.
 - Certificate of citizenship issued by U.S. Citizenship and Immigration Services.
 - Birth certificate issued by U.S. State Department.
 - American Indian card with KIC classification issued by U.S. Dept. of Homeland Security.
 - Final adoption decree showing applicant's name and U.S. birthplace.
 - Official U.S. military record of service showing applicant's place of birth in the U.S.
 - Extract from U.S. hospital birth record created at time of birth showing applicant's U.S. place of birth.
 - Federal confirmation of U.S. citizenship under 8 U.S.C. §1373.
- 2) If you were born in Alabama and do not have one of the documents listed in section 1, the Alabama Department of Public Health will send a birth certificate to your county Board of Registrars at no cost to you. Please fill out the attached Form HS-89, "Affidavit and Application for a Certification of an Alabama Birth Record for Alabama Voter Registration Use," and submit it to your county Board of Registrars.
- 3) If you believe you have proof of U.S. citizenship that is not listed in section 1, you may apply to your county Board of Registrars for a hearing to determine your U.S. citizenship for voting purposes. Please fill out the attached Form C-4 and submit it to your county Board of Registrars.

State of Alabama Agency-Based Voter Registration Form

 NVRA-1B
2019 03/04

FOR USE BY U.S. CITIZENS ONLY ♦ FILL IN ALL BOXES ON THIS FORM ♦ PLEASE USE INK ♦ PRINT LEGIBLY

To register to vote in the State of Alabama, you must:

- ▶ Be a citizen of the United States.
- ▶ Live in Alabama.
- ▶ Be at least 18 years of age on or before election day.
- ▶ Not have been convicted of a disqualifying felony, or if you have been convicted, you must have had your civil rights restored.
- ▶ Not have been declared "mentally incompetent" by a court.

FOR USE BY AGENCY OFFICIAL ONLY

Check one (1) box:

- ☐ Registrars
- ☐ Motor Voter
- ☐ State Designated Agency
- ☐ Agency-Based
- ☐ Disabilities Services Office

Signature of Agency Representative

Business Phone of Agency Representative

 ID requested: You may send with this application a copy of valid photo identification. You will be required to present valid photo identification when you vote at your polling place or by absentee ballot, unless exempted by law. For more information, go to www.AlabamaVoterID.com or call the Elections Division: 800-274-8683.

- ① Are you a citizen of the United States of America? ☐ Yes ☐ No
- ② Will you be 18 years of age on or before election day? ☐ Yes ☐ No
- ATTENTION! If you answer "No" to either of these questions, do not complete this application.

③ Print Your Name: First Last Suffix

Alabama Driver's License or Non-Driver ID Number: STATE NUMBER

④ Print Maiden Name / Former Name (if reporting a change of name) First Middle Last Suffix

IF YOU HAVE NO ALABAMA DRIVER'S LICENSE OR ALABAMA NON-DRIVER ID NUMBER

Last four digits of Social Security number:

⑤ Date of Birth (mm/dd/yyyy) ⑥ Primary Telephone () ⑦ Email Address

☐ I do not have an Alabama driver's license or Alabama non-driver ID or a social security number.

⑧ Addresses

Current

Address where you live: (Do not use post office box) Home Address (include apartment or other unit number if applicable) City State ZIP

Address where you receive your mail: Mailing Address, if different from Home Address City State ZIP

Old

Address where you were last registered to vote: (Do not use post office box) Former Address City County State ZIP

⑨ Sex (check one) ☐ Female ☐ Male

⑩ Place of Birth City County State Country

⑪ Race (check one) ☐ White ☐ Black ☐ Asian ☐ American Indian ☐ Hispanic ☐ Other

⑫ Map / Diagram

If your home has no street number or name, please draw a map of where your house is located. Please include roads and landmarks.

⑬ Did you receive assistance? If you are unable to sign your name, who helped you fill out this application? Give name, address, and phone number (phone number is optional).

REGISTRARS USE ONLY

DATE ☐ APPROVED ☐ DENIED

(mm/dd/yyyy)

County Pct

City Pct

Board member

Board member

Board member

Voter Declaration - Read and Sign Under Penalty of Perjury

I solemnly swear or affirm to support and defend the constitution of the United States and the State of Alabama and further disavow any belief or affiliation with any group which advocates the overthrow of the governments of the United States or the State of Alabama by unlawful means and that the information contained herein is true, so help me God.

▶ I am a U.S. citizen

▶ I live in the State of Alabama

▶ I will be at least 18 years of age on or before election day

▶ I am not barred from voting by reason of a disqualifying felony conviction (The list of disqualifying felonies is available on the Secretary of State's web site at: sos.alabama.gov/imtfelonies)

▶ I have not been judged "mentally incompetent" in a court of law

YOUR SIGNATURE DATE

If you falsely sign this statement, you can be convicted and imprisoned for up to five years.

The decision to register to vote is yours. If you decide to register to vote, the office at which you are submitting this application will remain confidential and will be used only for voter registration purposes. If you decline to register to vote, your decision will remain confidential and will be used only for voter registration purposes.

John H. Merrill - Secretary of State Questions? Call the Elections Division at 1-800-274-8683 or 334-242-7210

AFFIDAVIT AND APPLICATION FOR A CERTIFICATION OF AN ALABAMA BIRTH RECORD
FOR ALABAMA VOTER REGISTRATION USE

In compliance with Section 31-13-28 of the Alabama Code (Beason-Hammon Alabama Taxpayer and Citizen Protection Act), I swear under oath that I am ~~over the age of 16~~ at least 18 years of age or, if not, will be 18 on or before the next election and I plan to register to vote in the State of Alabama and that I do NOT possess any of the following documents that constitute evidence of U.S. citizenship:

1. Driver's license or nondriver's ID card issued by division or motor vehicles ~~or of equivalent governmental agency of any state within the U.S. provided that the governmental agency of another state within the U.S. requires proof of lawful presence in the U.S. (i.e., U.S. citizenship) as a condition of issuance of the driver's license or nondriver's ID card.~~ Alabama driver's license or nondriver's ID must be a "Star" license or ID.
2. Birth certificate indicating birth in the U.S. or one of its territories.
3. Pertinent pages of a valid or expired U.S. passport, or original passport.
4. U.S. naturalization documents or the number of the certificate of naturalization.
5. Other documents issued by the Federal Government proving U.S. citizenship, pursuant to the immigration and Nationality Act of 1952.
6. Bureau of Indian Affairs card number, tribal treaty card number, or tribal enrollment number.
7. Consular report of birth abroad of U.S. citizen.
8. Certificate of citizenship issued by the U.S. Citizenship and Immigration Services.
9. Certification of report of birth issued by the U.S. State Department.
10. American Indian card, with KIC classification, issued by the U.S. Department of Homeland Security.
11. Final adoption decree showing name and U.S. birthplace.
12. Official U.S. military record of service showing place of birth in the U.S.
13. Extract from a U.S. hospital record of birth created at the time of birth indicating place of birth in the U.S.
14. Copy of declaratory judgment by a U.S. court confirming citizenship under 8 U.S.C. §1373.

Printed Name of Applicant

Notary Seal or Stamp

Signature of Applicant

Signature of Notary

Sworn to and subscribed before me on

Date

Information to Locate Birth Record: PLEASE CLEARLY PRINT ALL INFORMATION. FAILURE TO PROVIDE ACCURATE INFORMATION COULD DELAY THE PROCESSING OF THIS REQUEST

Full Name as Listed on Birth Record: _____

Date of Birth: _____ First _____ Middle _____ Last _____
County of Birth: _____

Mother's Full MAIDEN Name: _____

Father's Full Name: _____ First _____ Middle _____ Last _____

_____ First _____ Middle _____ Last _____

Voter Registration Office Information:

County of Voter Registration Office: _____

Mailing Address: _____

City: _____ State: Alabama Zip: _____ E-mail Address: _____

Signature of Voter Registration Official

Date of Request

Phone number with area code: () - Fax number with area code: () -

ADPH-HS-89.1.20.2012

APPLICATION TO THE COUNTY BOARD OF REGISTRARS FOR HEARING TO DETERMINE

APPLICANT'S CITIZENSHIP FOR VOTING PURPOSES (Form C-4)

Complete and submit only if applicant has not submitted satisfactory documentary proof of citizenship.

I, _____, hereby request a hearing with the county Board of Registrars. In support thereof, I affirm as follows:

I am a United States citizen but do not possess or have access to any of the following documents showing United States Citizenship:

- (1) A driver's license or nondriver's identification card issued by the division of motor vehicles or the equivalent governmental agency of any state within the United States provided that the governmental agency of another state within the U.S. requires proof of lawful presence (i.e., U.S. citizenship) in the U.S. as a condition of issuance of the driver's license or nondriver's identification card. **Alabama driver's license or nondriver's ID card must be a "Star" license or ID.**
- (2) A birth certificate indicating birth in the U.S. or one of its territories.
- (3) Pertinent pages of a valid or expired passport identifying me and my passport number, or presentation of my U.S. passport.
- (4) United States naturalization documents or the number of the certificate of naturalization.
- (5) Other documents or methods of proof of United States citizenship issued by the federal government pursuant to the Immigration and Nationality Act of 1952, and amendments thereto.
- (6) A Bureau of Indian Affairs card number, tribal treaty card number, or tribal enrollment number.
- (7) A consular report of birth abroad of a citizen of the United States of America.
- (8) A certificate of citizenship issued by the United States Citizenship and Immigration Services.
- (9) A certification of report of birth issued by the United States Department of State.
- (10) An American Indian card, with KIC classification, issued by the United States Department of Homeland Security.
- (11) A final adoption decree showing my name and United States birthplace.
- (12) An official United States military record of service showing my place of birth in the United States.
- (13) An extract from a United States hospital record of birth created at the time of my birth indicating my place of birth in the United States.
- (14) Federal confirmation of U.S. citizenship under 8 U.S.C. § 1373.

I believe that I am a United States citizen based upon the following information:

(Provide the details as to why or how you became a citizen of the United States.)

I submit herewith the following documentation that proves that I am a United States citizen:

(Attach copies of any documentation that you believe demonstrates citizenship, such as newspaper birth announcements, family Bible entries, certificate of foreign birth if it reflects U.S. citizenship, affidavits signed by three U.S. citizens who know you are a U.S. citizen and have known you for 10 years or more, etc.)

NOTICE OF RIGHT TO HEARING BEFORE THE COUNTY BOARD OF REGISTRARS

I understand that I am entitled to a hearing before the Board of Registrars and an opportunity to testify and to present witnesses and additional evidence of citizenship if the Board does not determine that I have provided satisfactory evidence of citizenship based upon the information that I have supplied above. I understand that I have the right to have counsel, provided at my own expense, present at said hearing. I understand that notice of the hearing will be mailed to the address that I have provided at least five days prior to the hearing date.

Signature of applicant

Mail completed form and attached documents to your local Board of Registrars.

(b) Pursuant to 52 U.S.C. 20506, the following form shall be used in all offices in the State that provide public assistance and all offices in the State that provide State-funded programs primarily engaged in providing services to persons with disabilities.



STATE OF ALABAMA
AGENCY-BASED VOTER REGISTRATION APPLICATION
NVRA-1A

IF YOU ARE NOT REGISTERED TO VOTE WHERE YOU LIVE NOW, WOULD YOU LIKE TO APPLY TO REGISTER TO VOTE HERE TODAY?

- ☐ I want to apply to register to vote today.
- ☐ I want to change my address for voting purposes by use of this form.
- ☐ I do not want to apply to register to vote today.

IF YOU DO NOT CHECK ANY BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME.

Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency.

If you would like help in filling out the voter registration application form, we will help you. The decision whether to seek or accept help is yours. You may fill out the application in private.

Name _____ Date _____ Signature _____

Please detach lower portion and give to applicant

IF YOU DECIDE TO APPLY TO REGISTER TO VOTE, THE OFFICE WHERE YOU ARE SUBMITTING YOUR APPLICATION WILL REMAIN CONFIDENTIAL AND WILL BE USED FOR VOTER REGISTRATION PURPOSES ONLY.

IF YOU DECLINE TO REGISTER TO VOTE, YOUR DECISION WILL REMAIN CONFIDENTIAL AND WILL BE USED FOR VOTER REGISTRATION PURPOSES ONLY.

IF YOU BELIEVE THAT SOMEONE HAS INTERFERED WITH YOUR RIGHT TO REGISTER OR TO DECLINE TO REGISTER TO VOTE OR YOUR RIGHT TO PRIVACY IN DECIDING WHETHER TO REGISTER OR IN APPLYING TO REGISTER TO VOTE, YOU MAY FILE A COMPLAINT WITH THE SECRETARY OF STATE AT STATE CAPITOL, 600 DEXTER AVENUE, SUITE E-208, MONTGOMERY, ALABAMA, 36130 OR BY CALLING 334-242-7210 OR 1-800-274-VOTE (1-800-274-8683).

State of Alabama Agency-Based Voter Registration Form

 NVRA-1B
2018 03 04

FOR USE BY U.S. CITIZENS ONLY ♦ FILL IN ALL BOXES ON THIS FORM ♦ PLEASE USE INK ♦ PRINT LEGIBLY

To register to vote in the State of Alabama, you must:

- ▶ Be a citizen of the United States.
- ▶ Live in Alabama.
- ▶ Be at least 18 years of age on or before election day.
- ▶ Not have been convicted of a disqualifying felony, or if you have been convicted, you must have had your civil rights restored.
- ▶ Not have been declared "mentally incompetent" by a court.

FOR USE BY AGENCY OFFICIAL ONLY

Check one (1) box:

- ☐ Registrars
- ☐ Motor Voter
- ☐ State Designated Agency
- ☐ Agency-Based
- ☐ Disabilities Services Office

Signature of Agency Representative

Business Phone of Agency Representative

 ID requested: You may send with this application a copy of valid photo identification. You will be required to present valid photo identification when you vote at your polling place or by absentee ballot, unless exempted by law. For more information, go to www.AlabamaVoterID.com or call the Elections Division: 800-274-8683.

① Are you a citizen of the United States of America?

☐ Yes ☐ No

⚠ ATTENTION! If you answer "No" to either of these questions, do not complete this application.

② Will you be 18 years of age on or before election day?

☐ Yes ☐ No

③ Print Your Name:

First Middle Last Suffix

Alabama Driver's License or Non-Driver ID Number:

STATE NUMBER

④ Print Maiden Name / Former Name (if reporting a change of name)

First Middle Last Suffix

IF YOU HAVE NO ALABAMA DRIVER'S LICENSE OR ALABAMA NON-DRIVER ID NUMBER

Last four digits of Social Security number:

⑤ Date of Birth (mm/dd/yyyy) ⑥ Primary Telephone ⑦ Email Address

() () ()

☐ I do not have an Alabama driver's license or Alabama non-driver ID or a social security number.

Addresses

 Current
Old

Address where you live: (Do not use post office box)

Home Address (include apartment or other unit number if applicable)

City State ZIP

Address where you receive your mail:

Mailing Address, if different from Home Address

City State ZIP

Address where you were last registered to vote: (Do not use post office box)

Former Address

City County State ZIP

⑧ Sex (check one)

☐ Female ☐ Male

⑨ Place of Birth

City County State Country

⑩ Race (check one)

- ☐ White ☐ Black
- ☐ Asian ☐ American Indian
- ☐ Hispanic ☐ Other

⑪ Map / Diagram

If your home has no street number or name, please draw a map of where your house is located. Please include roads and landmarks.

⑫ Did you receive assistance?

If you are unable to sign your name, who helped you fill out this application? Give name, address, and phone number (phone number is optional).

REGISTRARS USE ONLY

 DATE ☐ APPROVED ☐ DENIED

(mm/dd/yyyy)

County Pct

City Pct

Board member

Board member

Board member

Voter Declaration - Read and Sign Under Penalty of Perjury

- ▶ I am a U.S. citizen
- ▶ I live in the State of Alabama
- ▶ I will be at least 18 years of age on or before election day
- ▶ I am not barred from voting by reason of a disqualifying felony conviction (The list of disqualifying felonies is available on the Secretary of State's web site at: sos.alabama.gov/mf/felonies)
- ▶ I have not been judged "mentally incompetent" in a court of law

I solemnly swear or affirm to support and defend the constitution of the United States and the State of Alabama and further disavow any belief or affiliation with any group which advocates the overthrow of the governments of the United States or the State of Alabama by unlawful means and that the information contained herein is true, so help me God.

YOUR SIGNATURE

DATE

If you falsely sign this statement, you can be convicted and imprisoned for up to five years.

The decision to register to vote is yours. If you decide to register to vote, the office at which you are submitting this application will remain confidential and will be used only for voter registration purposes. If you decline to register to vote, your decision will remain confidential and will be used only for voter registration purposes.



John H. Merrill - Secretary of State

Questions? Call the Elections Division at 1-800-274-8683 or 334-242-7210

 AFFIDAVIT AND APPLICATION FOR A CERTIFICATION OF AN ALABAMA BIRTH RECORD
FOR ALABAMA VOTER REGISTRATION USE

In compliance with Section 31-13-28 of the Alabama Code (Beason-Hammon Alabama Taxpayer and Citizen Protection Act), I swear under oath that I am over the age of 16 and I plan to register to vote in the State of Alabama and that I do **NOT** possess any of the following documents that constitute evidence of U.S. citizenship:

1. Driver's license or nondriver's ID card issued by division or motor vehicles or equivalent governmental agency of any state within the U.S. provided that the governmental agency of another state within the U.S. requires proof of lawful presence in the U.S. (i.e., U.S. citizenship) as a condition of issuance of the driver's license or nondriver's ID card. Alabama driver's license or nondriver's ID must be a "Star" license or ID.
2. Birth certificate indicating birth in the U.S. or one of its territories.
3. Pertinent pages of a valid or expired U.S. passport, or original passport.
4. U.S. naturalization documents or the number of the certificate of naturalization
5. Other documents issued by the Federal Government proving U.S. citizenship, pursuant to the immigration and Nationality Act of 1952.
6. Bureau of Indian Affairs card number, tribal treaty card number, or tribal enrollment number.
7. Consular report of birth abroad of U.S. citizen.
8. Certificate of citizenship issued by the U.S. Citizenship and Immigration Services.
9. Certification of report of birth issued by the U.S. State Department.
10. American Indian card, with KIC classification, issued by the U.S. Department of Homeland Security.
11. Final adoption decree showing name and U.S. birthplace
12. Official U.S. military record of service showing place of birth in the U.S.
13. Extract from a U.S. hospital record of birth created at the time of birth indicating place of birth in the U.S.
14. Copy of declaratory judgment by a U.S. court confirming citizenship under 8 U.S.C. §1373.

Printed Name of Applicant

Notary Seal or Stamp

Signature of Applicant

Signature of Notary

Sworn to and subscribed before me on

Date

Information to Locate Birth Record: PLEASE CLEARLY PRINT ALL INFORMATION. FAILURE TO PROVIDE ACCURATE INFORMATION COULD DELAY THE PROCESSING OF THIS REQUEST

Full Name as Listed on Birth Record: _____

Date of Birth: _____ First _____ Middle _____ Last _____
County of Birth: _____

Mother's Full MAIDEN Name: _____

Father's Full Name: _____ First _____ Middle _____ Last _____

First Middle Last

Voter Registration Office Information:

County of Voter Registration Office: _____

Mailing Address: _____

City: _____ State: Alabama Zip: _____ E-mail Address: _____

Signature of Voter Registration Official

Phone number with area code: () -

Date of Request

Fax number with area code: () -

ADPH-HS-89.1.20.2012

APPLICATION TO THE COUNTY BOARD OF REGISTRARS FOR HEARING TO DETERMINE

APPLICANT'S CITIZENSHIP FOR VOTING PURPOSES (Form C-4)

Complete and submit only if applicant has not submitted satisfactory documentary proof of citizenship.

I, _____, hereby request a hearing with the county Board of Registrars. In support thereof, I affirm as follows:

I am a United States citizen but do not possess or have access to any of the following documents showing United States Citizenship:

- (1) A driver's license or nondriver's identification card issued by the division of motor vehicles or the equivalent governmental agency of any state within the United States provided that the governmental agency of another state within the U.S. requires proof of lawful presence (i.e., U.S. citizenship) in the U.S. as a condition of issuance of the driver's license or nondriver's identification card. **Alabama driver's license or nondriver's ID card must be a "Star" license or ID.**
- (2) A birth certificate indicating birth in the U.S. or one of its territories.
- (3) Pertinent pages of a valid or expired passport identifying me and my passport number, or presentation of my U.S. passport.
- (4) United States naturalization documents or the number of the certificate of naturalization.
- (5) Other documents or methods of proof of United States citizenship issued by the federal government pursuant to the Immigration and Nationality Act of 1952, and amendments thereto.
- (6) A Bureau of Indian Affairs card number, tribal treaty card number, or tribal enrollment number.
- (7) A consular report of birth abroad of a citizen of the United States of America.
- (8) A certificate of citizenship issued by the United States Citizenship and Immigration Services.
- (9) A certification of report of birth issued by the United States Department of State.
- (10) An American Indian card, with KIC classification, issued by the United States Department of Homeland Security.
- (11) A final adoption decree showing my name and United States birthplace.
- (12) An official United States military record of service showing my place of birth in the United States.
- (13) An extract from a United States hospital record of birth created at the time of my birth indicating my place of birth in the United States.
- (14) Federal confirmation of U.S. citizenship under 8 U.S.C. § 1373.

I believe that I am a United States citizen based upon the following information:
(Provide the details as to why or how you became a citizen of the United States.)

I submit herewith the following documentation that proves that I am a United States citizen:

(Attach copies of any documentation that you believe demonstrates citizenship, such as newspaper birth announcements, family Bible entries, certificate of foreign birth if it reflects U.S. citizenship, affidavits signed by three U.S. citizens who know you are a U.S. citizen and have known you for 10 years or more, etc.)

NOTICE OF RIGHT TO HEARING BEFORE THE COUNTY BOARD OF REGISTRARS

I understand that I am entitled to a hearing before the Board of Registrars and an opportunity to testify and to present witnesses and additional evidence of citizenship if the Board does not determine that I have provided satisfactory evidence of citizenship based upon the information that I have supplied above. I understand that I have the right to have counsel, provided at my own expense, present at said hearing. I understand that notice of the hearing will be mailed to the address that I have provided at least five days prior to the hearing date.

Signature of applicant

Mail completed form and attached documents to your local Board of Registrars.

Authors: Jean Brown, Edward Packard, William Sutton, David Brewer, and Brent Beal

Statutory Authority: Code of Ala. 1975, §§ 31-13-28 (2012), 17-13-1 (2006).

History: New Rule: Filed September 31, 2013; effective March 7, 2013.

Repealed and New Rule: Filed April 13, 2015; effective May 18, 2015.

Ed. Note: Rule .23 was renumbered .24 as per certification filed March 4, 2016; effective April 18, 2016.